

REMARKS

Applicant thanks the Examiner for examining the application. Applicant has amended claims 8 and 22 to correct an antecedent basis issue pointed out by the Examiner. Applicant has also added new claims 29 and 30. Support for new claims 29 and 30 may be found throughout the specification, and the addition of new claims 29 and 30 does not constitute adding new subject matter. With these amendments, claims 1-30 are now pending in the application.

Information Disclosure Statement

Applicant fails to understand the Examiner's statement that "[t]he information disclosure statement filed 10/12/2004 fails to comply with 37 C.F.R. 1.98(a)(2)". The information disclosure statement at issue listed two issued U.S. Patents, copies of which are not required under 37 C.F.R. 1.98(a)(2). The information disclosure statement at issue also listed a non-patent literature publication, properly identified by author, title, date, and pertinent pages, and included a copy thereof. Applicant's Attorney's records show that a copy of this non-patent literature publication was mailed with the information disclosure statement and received by the PTO on 10/12/2004. Applicant's Attorney has also verified on both Public PAIR and Private PAIR that a non-patent literature publication document is included in the image file wrapper, showing a mail room date of 10/12/2004. Thus, Applicant believes that the information disclosure statement filed on 10/12/2004 does comply with the requirements of 37 C.F.R. 1.98(a)(2) and that the references cited therein should be considered by the Examiner.

If Applicant is incorrect in any of these assertions, Applicant respectfully requests that the Examiner distinctly point out the error in the information disclosure statement that causes a lack of compliance with 37 C.F.R. 1.98(a)(2), and Applicant will respond accordingly.

Claim Rejections – 35 U.S.C. § 112 ¶2

The Examiner rejected claims 1-28 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner stated that the term “presence information” in claims 1, 3-5, 7-8, 10-12, 14-18, 20-24, and 26-28, and the term “controller” in claims 8 and 22, each lacked proper antecedence basis.

As stated above, Applicant has amended claims 8 and 22 to correct the antecedent basis for the term “controller”. However, Applicant respectfully disagrees with the Examiner’s assertion that the term “presence information” lacks proper antecedent basis in claims 1, 3-5, 7-8, 10-12, 14-18, 20-24, and 26-28. Rather, antecedent basis is only provided when necessary. Examining the language of claim 1, and numbering each occurrence of “presence information” gives the following:

1. In a computerized device, a method for allowing a content subscriber to access (1) presence information comprising:

receiving, from the content subscriber, a subscription request for (2) presence information;

inserting an address within a notification message in response to receiving the subscription request, the address relating to (3) presence information transmitted using a one-to-many transmission channel; and

transmitting the notification message to the content subscriber, the address of the notification message allowing the content subscriber to subscribe to (4) the presence information using the one-to-many transmission channel.

(1) The first use of “presence information”, for which no antecedent basis is required

(2) “Presence information” here is intended to refer to presence information in a general sense, not in a specific sense – i.e., the subscription request may be for any available presence information

(3) Again, “presence information” here is intended to refer to presence information in a general sense, not in a specific sense – i.e., the address relates to any presence

information that is transmitted using a one-to-many transmission channel. Additionally, it would be illogical to refer to specific presence information that has been transmitted as no act of transmitting/transmission has occurred yet.

(4) "Presence information" here has proper antecedent basis, as this use of the term refers back to the specific presence information for which a subscription request was received; that specific presence information is now being transmitted.

Each subsequent occurrence of "presence information" in claims 3-5, 7-8, 10-12, 14-18, 20-24, and 26-28 may be explained in the same way.

Claim Rejections – 35 U.S.C. § 102(e)

The Examiner rejected claims 1, 3, 8, 10, 15-17, 20, 22, 24, and 27-28 under 35 U.S.C. § 102(e) as being anticipated by U.S. Published Patent Application No. 2002/0147929 to Rose.

Applicant's independent claim 1 requires, among other things, receiving, from the content subscriber, a subscription request for presence information, and inserting an address within a notification message in response to receiving the subscription request. The Examiner cites to ¶¶ 0015, 0033, 0035, 0040-0041, and claim 1 of Rose as disclosing receiving, from the content subscriber, a subscription request for presence information, and cites to ¶¶ 0015, 0028, 0035-0036, 0040-0044, and claim 1 of Rose as disclosing inserting an address within a notification message in response to receiving the subscription request. However, none of these cited paragraphs nor claim 1 of Rose disclose receiving a subscription request or taking any action in response to receiving a subscription request, as required by Applicant's independent claim 1. Rather, the cited paragraphs discuss receiving a mere URL request for a file or files, see, e.g., ¶ 0015 lines 7-8, ¶ 0033 lines 3-6, and ¶ 0035 lines 1-3, and performing actions in response to receiving that URL request, see, e.g., ¶ 0015 lines 6-9. A URL request for a file is not a subscription request. As stated by the Applicant in the specification, a subscription request may be, for example, a SUBSCRIBE message; see specification page 12, line 11. A URL request for one or more files, as disclosed in Rose, is a one-time request,

such that the server will respond to the request by returning the requested file once, and only once, in response to the request, which is sent only once. This is different from a subscription request, where a single request results in multiple responses.

Additionally, Applicant's independent claim 1 requires that the subscription request be a subscription request for *presence information* (emphasis added). Applicant's independent claim 1 also requires that the inserted address relate to *presence information* that is transmitted using a one-to-many transmission channel, and that the notification message be transmitted to the content subscriber, the address of the notification message allowing the content subscriber to subscribe to the *presence information* using the one-to-many transmission channel (emphasis added). However, Rose does not disclose presence information in any form. As discussed above, Rose merely discloses requests for one or more files, without specifying the type of content contained within the file or files. Indeed, the words "presence information" or their equivalent do not appear anywhere in the text of Rose. By using the term "presence information" explicitly and repeatedly throughout not only the claims but also the specification, Applicant has made clear that the claimed methods and apparatus are limited to specifically presence information, and not any type of information in general. As Rose discloses only any type of information in general, and fails to disclose presence information, Rose does not anticipate Applicant's independent claim 1.

For the reasons given above among others, Applicant's independent claim 1 is not anticipated by Rose, and therefore Applicant's independent claim 1 is allowable. Applicant's other independent claims 8, 15, 16, 17, 22, 27, and 28 contain the same or similar limitations as those found in claim 1 and discussed above, Rose also does not anticipate Applicant's independent claims 8, 15, 16, 17, 22, 27, and 28, and these independent claims are also allowable.

Further, as Applicant's dependent claims 3, 10, 20, and 24 depend from allowable independent claims 1, 8, 17, and 22, respectively, these dependent claims are themselves also allowable.

Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected claims 2, 9, 18, and 23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application No. 2002/0147929 to Rose in view of U.S. Patent No. 6,798,358 to Joyce et al.

The Examiner next rejected claims 4 and 11 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application No. 2002/0147929 to Rose in view of U.S. Published Patent Application No. 2003/0115283 to Barbir et al.

The Examiner then rejected claims 5 and 12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application No. 2002/0147929 to Rose in view of U.S. Published Patent Application No. 2003/0115283 to Barbir et al. in further view of U.S. Patent No. 6,510,513 to Danieli.

The Examiner then rejected claims 6, 13, 19, and 25 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application No. 2002/0147929 to Rose in view of U.S. Patent No. 6,813,501 to Kinnunen et al.

The Examiner then rejected claims 7, 14, 21, and 26 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application No. 2002/0147929 to Rose in view of "Official Notice".

All of the Examiner's rejections under 35 U.S.C. § 103(a) are rejections involving Rose in combination with one or more other references. However, as described above with regards to the rejection under 35 U.S.C. § 102(e), Rose does not disclose, nor does Rose teach or suggest, Applicant's independent claims 1, 8, 15, 16, 17, 22, 27 and 28, and thus these independent claims are allowable. As Applicant's dependent claims 2, 4-7, 9, 11-14, 18-19, 21, 23, and 25-26 all depend from allowable independent claims 1, 8, 17, and 22, respectively, these dependent claims are themselves allowable.

Further, Applicant notes that none of the other references used in combination with Rose to reject Applicant's dependent claims 2, 4-7, 9, 11-14, 18-19, 21, 23, and 25-

26 under 35 U.S.C. § 103(a) disclose, teach, or suggest presence information, receiving a subscription request for presence information, or responding to the receipt of such a subscription request. Indeed, the words “presence information” do not appear in any of the other references, and while both Danieli and Kunnunen et al. teach subscription requests, these are not subscription requests for presence information, as required by Applicant’s independent claims. Applicant also notes that the physical location of a device, taught in Danieli and Kunnunen et al., is very different from presence information as used throughout the claims and specification.

CONCLUSION

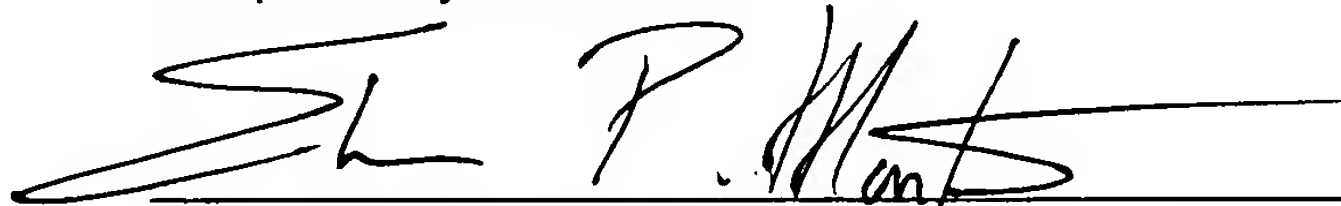
Applicant believes this Amendment and Response to be fully responsive to the present Office Action. Thus, based on the foregoing Remarks, Applicant respectfully submits that this application is in condition for allowance. Accordingly, Applicant requests allowance of the application.

Applicant hereby petitions for any extension of time required to maintain the pendency of this case. If there is any fee occasioned by this response that is not paid, please charge any deficiency to Deposit Account No. 50-3735.

Should the enclosed papers or fees be considered incomplete, Applicant respectfully requests that the Patent Office contact the undersigned collect at the telephone number provided below.

Applicant invites the Examiner to contact the Applicant's undersigned Attorney if any issues are deemed to remain prior to allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Shaun P. Montana', is written over a horizontal line.

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